

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MIRIAM TELLO,

Plaintiff,

-against-

THE DELGADO TRAVEL AGENCY, INC., and  
CASA DE CAMBIO DELGADO, INC.,

Defendants.  
-----X

**WAIVER OF SERVICE**

**ECF case**

07 civ 9613

To: **Peter G. Eikenberry**  
**Attorney for plaintiff**  
**74 Trinity Place, Suite 1609**  
**New York, New York 10006**

I acknowledge receipt of your request that I waive service of summons in the above captioned action, case number 07-cv-9613, in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this waiver, and self-addressed envelope (postage pre-paid) in which to return this waiver.


I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or Delgado Travel Agency Corp. and Casa De Cambio Delgado, Inc. ("Delgado Travel")) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

I (or Delgado Travel) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or Delgado Travel) if an answer

or motion under Rule 12 is not served upon you within 60 days after December 5, 2007.

12/5/07  
Date

  
Domenique Camacho Moran  
Farrell Fritz, P.C.  
1320 RexCorp Plaza  
Uniondale, NY 11556-1320

Duty to avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant who, after being notified of an action and asked to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives services must within the time specified on the waiver for serve on the plaintiff's attorney a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons has been actually served when the request for waiver of service was received.